

105TH CONGRESS
1ST SESSION

H. R. 2980

To amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1997

Mr. ALLEN introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Beverage
5 Container Recycling Initiative Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The failure to reuse and recycle empty bev-
2 erage containers represents a significant and unnec-
3 essary waste of important national energy and mate-
4 rial resources.

5 (2) The littering of empty beverage containers
6 constitutes a public nuisance, safety hazard, and
7 aesthetic blight and imposes on public agencies, pri-
8 vate businesses, farmers, and landowners unneces-
9 sary costs for the collection and removal of the con-
10 tainers.

11 (3) Solid waste resulting from the empty bev-
12 erage containers constitutes a significant proportion
13 of municipal solid waste and increases the cost and
14 problems of effectively managing the disposal of the
15 waste.

16 (4) It is difficult for local communities to raise
17 the necessary capital to initiate comprehensive recy-
18 cling programs.

19 (5) The reuse and recycling of empty beverage
20 containers would help eliminate unnecessary burdens
21 on individuals, local governments, and the environ-
22 ment.

23 (6) Several States have previously enacted and
24 implemented State laws designed to protect the envi-
25 ronment, conserve energy and material resources,

1 and promote resource recovery of waste by requiring
2 a refund value on the sale of all beverage containers.

3 (7) The laws referred to in paragraph (6) have
4 proven inexpensive for government to administer and
5 effective at reducing financial burdens on commu-
6 nities by internalizing the cost of recycling and litter
7 control to the producers and consumers of bev-
8 erages.

9 (8) A national system for requiring a refund
10 value on the sale of all beverage containers would
11 act as a positive incentive to individuals to clean up
12 the environment and would—

13 (A) result in a high level of reuse and recy-
14 cling of the containers; and

15 (B) help reduce the costs associated with
16 solid waste management.

17 (9) A national system for requiring a refund
18 value on the sale of all beverage containers would re-
19 sult in significant energy conservation and resource
20 recovery.

21 (10) The reuse and recycling of empty beverage
22 containers would eliminate unnecessary waste man-
23 agement burdens on the Federal Government, State
24 and local governments, and the environment.

1 (11) The collection of unclaimed refunds from
 2 a national system of beverage container recycling
 3 would provide the resources necessary to assist com-
 4 prehensive reuse and recycling programs throughout
 5 the United States.

6 (12) A national system of beverage container
 7 recycling is consistent with the intent of the Solid
 8 Waste Disposal Act (42 U.S.C. 6901 et seq.).

9 (13) This Act is consistent with the goals estab-
 10 lished by the Administrator of the Environmental
 11 Protection Agency during June 1996 that include a
 12 national goal of 35 percent source reduction and re-
 13 cycling by 2005, coupled with a reduction in per
 14 capita waste generation.

15 **SEC. 3. BEVERAGE CONTAINER RECYCLING.**

16 (a) IN GENERAL.—The Solid Waste Disposal Act (42
 17 U.S.C. 6901 et seq.) is amended by adding at the end
 18 the following:

19 **“Subtitle K—Beverage Container**
 20 **Recycling**

21 **“SEC. 12001. DEFINITIONS.**

22 “In this subtitle:

23 “(1) BEVERAGE.—The term ‘beverage’ means
 24 beer, ale, or other drink produced by fermenting
 25 malt, spirits, wine, wine coolers, soda or noncarbon-

1 ated water, and all nonalcoholic carbonated or non-
2 carbonated drinks in liquid form and intended for
3 human consumption except for milk and dairy-de-
4 rived products.

5 “(2) BEVERAGE CONTAINER.—The term ‘bev-
6 erage container’ means a bottle, can, jar, or other
7 container made of glass, metal, or plastic which has
8 been sealed by a manufacturer and which, at the
9 time of sale, contains 4 liters or less of a beverage.

10 “(3) BEVERAGE DISTRIBUTOR.—The term ‘bev-
11 erage distributor’ means a person who sells or offers
12 for sale in interstate commerce to beverage retailers
13 beverages in beverage containers for resale.

14 “(4) BEVERAGE RETAILER.—

15 “(A) IN GENERAL.—The term ‘beverage
16 retailer’ means a person who—

17 “(i) purchases from a beverage dis-
18 tributor beverages in beverage containers
19 for sale to a consumer; or

20 “(ii) sells or offers to sell in commerce
21 beverages in beverage containers to a
22 consumer.

23 “(B) BEVERAGE VENDING MACHINES.—

24 The Administrator shall promulgate regulations
25 that define ‘beverage retailer’ for any case in

1 which a beverage in a beverage container is sold
2 to a consumer through a beverage vending ma-
3 chine.

4 “(5) CONSUMER.—The term ‘consumer’ means
5 a person who purchases a beverage container for any
6 use other than resale.

7 “(6) REFUND VALUE.—The term ‘refund value’
8 means the amount specified as the refund value of
9 a beverage container under section 12002.

10 “(7) UNBROKEN BEVERAGE CONTAINER.—The
11 term ‘unbroken beverage container’ includes—

12 “(A) a beverage container opened in a
13 manner in which the container was designed to
14 be opened; and

15 “(B) a beverage container made of metal
16 or plastic that is compressed if the statement of
17 the amount of the refund value of the container
18 is still readable.

19 “(8) WINE COOLER.—The term ‘wine cooler’
20 means a drink containing less than 8 percent alcohol
21 (by volume)—

22 “(A) consisting of wine and plain, spar-
23 kling, or carbonated water; and

24 “(B) containing a non-alcoholic beverage,
25 flavoring, coloring material, fruit juice, fruit ad-

1 junct, sugar, carbon dioxide, preservatives, or
2 any other natural or artificial blending mate-
3 rials (or any combination thereof).

4 “(9) SPIRITS.—The term ‘spirits’ means any
5 liquor produced by distillation or, if produced by any
6 other process, strengthened or fortified by the addi-
7 tion of distilled spirits of any kind. The term in-
8 cludes fortified wine.

9 “(10) WINE.—The term ‘wine’ means any liq-
10 uor containing not more than 15.5 percent alcohol
11 by volume which is produced by the fermentation of
12 fruit or other agricultural products containing sugar
13 and to which no spirits are added. The term includes
14 table wine, still wine, sparkling wine, and cham-
15 pagne, if the alcohol content is not above 15.5 per-
16 cent by volume.

17 **“SEC. 12002. REQUIRED BEVERAGE CONTAINER LABELING.**

18 “(a) IN GENERAL.—Except as provided in section
19 12007, no beverage distributor or beverage retailer may
20 sell or offer for sale in interstate commerce a beverage
21 in a beverage container unless—

22 “(1) in the case of wine and spirit containers,
23 there is clearly, prominently, and securely affixed to,
24 or printed on, the container a statement of the re-

1 fund value of the container in the amount of 15
2 cents (as adjusted under subsection (c)); and

3 “(2) in the case of all other containers, there is
4 clearly, prominently, and securely affixed to, or
5 printed on, the container a statement of the refund
6 value of the container in the amount of 5 cents (as
7 adjusted under subsection (c)).

8 “(b) SIZE AND LOCATION OF STATEMENT.—The Ad-
9 ministrator shall promulgate regulations establishing uni-
10 form standards for the size and location of the refund
11 value statement on beverage containers.

12 “(c) ADJUSTMENTS OF REFUND VALUE.—

13 “(1) IN GENERAL.—The Administrator shall
14 adjust the amount of the refund value of the con-
15 tainer under subsection (a)—

16 “(A) on the date that is 10 years after the
17 date of enactment of this subtitle, to reflect
18 changes in the Consumer Price Index for all-
19 urban consumers published by the Department
20 of Labor since the date of enactment of this
21 subtitle; and

22 “(B) on the date that is 10 years after the
23 initial adjustment made under paragraph (1),
24 and each 10 years thereafter, to reflect changes
25 in the Consumer Price Index for all-urban con-

1 sumers published by the Department of Labor
2 since the most recent adjustment.

3 “(2) ROUNDING.—The Administrator shall
4 round any adjustment under paragraph (1) to the
5 nearest 5 cent increment.

6 **“SEC. 12003. COLLECTION OF REFUND VALUE.**

7 “(a) COLLECTION FROM RETAILERS BY DISTRIBUTORS.—In the case of each beverage in a beverage con-
8 tainer sold in interstate commerce to a beverage retailer
9 by a beverage distributor, the distributor shall collect from
10 the retailer or redemption center the amount of the refund
11 value shown on the container.
12 value shown on the container.

13 “(b) COLLECTION FROM CONSUMERS BY RETAILERS.—In the case of each beverage in a beverage container
14 sold in interstate commerce to a consumer by a beverage
15 retailer, the retailer shall collect from the consumer the
16 amount of the refund value shown on the container.
17 amount of the refund value shown on the container.

18 “(c) OTHER COLLECTIONS.—No person other than
19 a person described in subsection (a) or (b) may collect a
20 deposit on a beverage container.

21 **“SEC. 12004. RETURN OF REFUND VALUE.**

22 “(a) PAYMENT BY RETAILER.—

23 “(1) IN GENERAL.—If a person, other than a
24 beverage distributor or beverage retailer, tenders for
25 refund an empty, unbroken, and reasonably clean

1 beverage container to a beverage retailer who sells
2 (or has sold at any time during the 90-day period
3 ending on the date of tender) the same brand of bev-
4 erage in the same kind and size of container, the re-
5 tailer shall promptly pay the person the amount of
6 the refund value stated on the container.

7 “(2) LIMITATIONS.—(A) A retailer may limit
8 the total number of beverage containers which the
9 retailer will accept from any one consumer or other
10 person in any one business day to 240 containers, or
11 any other number greater than 240.

12 “(B) A retailer may refuse to accept beverage
13 containers during no more than 8 hours in any one
14 business day. If a retailer refuses to accept beverage
15 containers under this subsection, the hours during
16 which the retailer would accept containers shall be
17 conspicuously posted.

18 “(b) PAYMENT BY DISTRIBUTOR.—

19 “(1) IN GENERAL.—If a person tenders for re-
20 fund an empty and unbroken beverage container to
21 a beverage distributor who sells (or has sold at any
22 time during the 90-day period ending on the date of
23 tender) the same brand of beverage in the same kind
24 and size of container, the distributor shall promptly
25 pay the person—

1 “(A) the amount of the refund value stated
2 on the container; plus

3 “(B) an amount equal to at least 2 cents
4 per container to help defray the cost of han-
5 dling.

6 “(2) TENDERING BEVERAGE CONTAINERS TO
7 OTHER PERSONS.—This subsection shall not pre-
8 clude any person from tendering a beverage con-
9 tainer to a person other than a beverage distributor.

10 “(c) AGREEMENTS.—

11 “(1) IN GENERAL.—Nothing in this subtitle
12 precludes an agreement between a distributor, a re-
13 tailer, or other person to establish a centralized bev-
14 erage container collection center, including a center
15 that acts as an agent of the retailer.

16 “(2) AGREEMENT FOR CRUSHING OR BUN-
17 DLING.—Nothing in this subtitle precludes an agree-
18 ment between a beverage retailer, a beverage dis-
19 tributor, or other person for the crushing or bun-
20 dling (or both) of beverage containers.

21 **“SEC. 12005. ACCOUNTING FOR UNCLAIMED REFUNDS AND**
22 **PROVISIONS FOR STATE RECYCLING FUNDS.**

23 “(a) UNCLAIMED REFUNDS.—

24 “(1) PAYMENTS TO STATES.—At the end of
25 each calendar year, each beverage distributor shall

1 pay to each State an amount equal to the sum by
2 which the total refund value of all containers sold by
3 the distributor for resale in that State during the
4 year exceeds the total sum paid during that year by
5 the distributor under section 12004(b) to persons in
6 the State.

7 “(2) USE BY STATES.—The total amount of un-
8 claimed refunds received by any State under this
9 section shall be available to carry out pollution pre-
10 vention and recycling programs in the State.

11 “(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the
12 total amount of payments made by a beverage distributor
13 for any calendar year under section 12004(b) for any
14 State exceeds the total amount of the refund values of all
15 containers sold by the distributor for resale in the State,
16 the excess shall be credited against the amount otherwise
17 required to be paid by the distributor to that State under
18 subsection (a) for a subsequent calendar year, designated
19 by the beverage distributor.

20 **“SEC. 12006. PROHIBITIONS ON DETACHABLE OPENINGS**
21 **AND POST-REDEMPTION DISPOSAL.**

22 “(a) DETACHABLE OPENINGS.—No beverage dis-
23 tributor or beverage retailer may sell, or offer for sale,
24 in interstate commerce a beverage in a metal beverage

1 container a part of which is designed to be detached in
2 order to open the container.

3 “(b) POST-REDEMPTION DISPOSAL.—No retailer or
4 distributor or agent of a retailer or distributor may dis-
5 pose of any beverage container labeled pursuant to section
6 12002 or any metal, glass, or plastic from the beverage
7 container (other than the top or other seal of the con-
8 tainer) in any landfill or other solid waste disposal facility.

9 **“SEC. 12007. EXEMPTED STATES.**

10 “(a) EXEMPTION.—Sections 12002 through 12005
11 and sections 12008 and 12009 shall not apply in any
12 State that has adopted and implemented requirements ap-
13 plicable to all beverage containers sold in the State if the
14 Administrator determines the requirements to be substan-
15 tially similar to the requirements of sections 12002
16 through 12005 and sections 12008 and 12009.

17 “(b) DETERMINATION OF TAX.—No State or political
18 subdivision of a State that imposes a tax on the sale of
19 any beverage container may impose a tax on any amount
20 attributable to the refund value of the container.

21 “(c) EFFECT ON OTHER LAWS.—Nothing in this
22 subtitle affects the authority of any State or political sub-
23 division of a State—

8 “A person who violates section 12002, 12003, 12004,
9 or 12006 shall be subject to a civil penalty of not more
10 than \$10,000 for each violation.

12 “Not later than 1 year after the date of enactment
13 of this subtitle, the Administrator shall promulgate regula-
14 tions to carry out this subtitle.

16 “Except as provided in section 12009, this subtitle
17 takes effect on the date that is 2 years after the date of
18 enactment of this subtitle.”.

(b) TABLE OF CONTENTS.—The table of contents for the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end the following:

“Sec. 12001. Definitions.

“Sec. 12002. Required beverage container labeling.

“Sec. 12003. Collection of refund value.

“Sec. 12004. Return of refund value.

“Sec. 12005. Accounting for unclaimed refunds and provisions for State recycling funds.

“Sec. 12006. Prohibitions on detachable openings and post-redemption disposal.

“Sec. 12007. Exempted States.

“Sec. 12008. Penalties.

“Sec. 12009. Regulations.

“Sec. 12010. Effective date.”.

